

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

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IN RE:

Lisa Pickersgill,

Debtor

Chapter 13

Case No.: 18-72801

**NOTICE OF MOTION TO
AUTHORIZE TRUSTEE TO
RELEASE FUNDS**

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SIRS:

PLEASE TAKE NOTICE, that the undersigned, Aronow Law, PC, as attorney for the debtor, **Lisa Pickersgill** herein, will be heard on the attached Order requesting authorization for the Chapter 13 Trustee to release funds currently held in her account in order to pay the trial modification deposit for her trial modification with Judge Louis A Scarcella at the United States Bankruptcy Court located at 290 Federal Plaza, Central Islip, New York 11722, Court room 970 on **June 11, 2019 at 10:00am**.

PLEASE TAKE FURTHER NOTICE, that objection to the proposed Order, if any, must be made in writing and received by the movant and the Court at least five (5) days before the date on which the Order approving the loan for the finance of their vehicle is to be heard by the Court. Unless such objections are received within the time set forth above, the Order, a copy of which is annexed, may be signed on **June 11, 2019 at 10:00am**.

Date and time of hearing: **June 11, 2019 at 10:00am**

Location: United States Bankruptcy Court
Eastern District of New York
Long Island Federal Courthouse
290 Federal Plaza, Courtroom 970
Central Islip, New York 11722

Relief Requested: For an Order to authorize the Chapter 13
Trustee to release funds

Dated: Woodbury, New York
May 23, 2019

/s/ Hanin R. Shadood
Hanin R. Shadood, Esq.
Aronow Law, PC
20 Crossways Park Drive N., Suite 210
Woodbury, NY 11797

TO: SEE ATTACHED CREDITOR MATRIX

Marianne DeRosa, Chapter 13 Trustee
100 Jericho Quadrangle, Suite 127
Jericho, New York 11753

Berkman, Henoch, Peterson, Peddy & Fenchel, P.C.
100 Garden City Plaza,
Garden City, NY 11530

Franklin Credit Management Corporation
P.O. Box 2301
Jersey City, NK 07303

United States Trustee's Office
U.S Trustee
U.S. Bankruptcy Court
560 Federal Plaza,
Central Islip, New York 11722

Internal Revenue Service
2 Metrotech Center
Brooklyn, NY 11201

Aronow Law, PC
20 Crossways Park Drive N
Suite 210
Woodbury, NY 11797

Bank Of America
Nc4-105-03-14
Po Box 26012
Greensboro, NC 27410

Barclays Bank Delaware
100 S West St
Wilmington, DE 19801

Berkman, Henoeh, Peterson
100 Garden City Plaza
Garden City, NY 11530

Capital One
Attn: Bankruptcy
Po Box 30285
Salt Lake City, UT 84130

Citibank/The Home Depot
Citicorp Cr Srvs/Centralized Bankruptcy
Po Box 790040
St Louis, MO 63129

Citicards Cbna
Citicorp Credit Svc/Centralized Bankrupt
Po Box 790040
Saint Louis, MO 63179

Credit One Bank Na
Po Box 98873
Las Vegas, NV 89193

Franklin Credit Mngmnt
101 Hudson St. 25th Floor
Jersey City, NJ 07302

IRS
PO BOX 7346
Philadelphia, PA 19101

Midland Credit Management
PO Box 2011
Warren, MI 48090

Mr. Cooper
8950 Cypress Waters Blvd
Coppell, TX 75019

Ras Boriskin Law Office
900 Merchants Concourse
suite LL5
Westbury, NY 11590

Ras Boriskin Law Office
900 Merchants Concourse
suite 310
Westbury, NY 11590

Synchrony Bank/Amazon
Attn: Bankruptcy
Po Box 965060
Orlando, FL 32896

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

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Chapter 13

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Debtor.

AFFIRMATION

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Hanin R. Shadood, Esq., an attorney duly licensed to practice law in the State of New York and admitted to practice in the Eastern District of New York under penalty of perjury, hereby deposes and says:

1. I am an associate of the firm, Aronow Law, P.C., attorneys for the debtor, Lisa Pickersgill (the “Debtor”).

2. On April 25, 2018, the Debtor filed a petition for relief under Chapter 13 of the Bankruptcy Code with the United States Bankruptcy Court for the Eastern District of New York. *See ECF Doc. No. 1*. Marianne DeRosa was appointed and duly qualified as the Chapter 13 Trustee (the “Trustee”).

3. The Debtor filed bankruptcy with the purpose of repaying her mortgage arrears on the first mortgage held by Nationstar Mortgage LLC d/b/a Mr. Cooper. Additionally, the Debtor sought to modify her second mortgage, which at the time of the filing, was in default with Franklin Credit Management Corporation (the “Creditor”), account ending in 1010, on her primary residence located at 14 Armon Street, Nesconset, New York 11767 (the “Property”).

4. An Order directing the Debtor and the Creditor was entered by this Honorable Court on December 27, 2018. *See ECF Doc. No. 31*.

5. Our office received a letter dated April 16, 2019, offering the Debtor a long-

awaited trial modification offer (the “Offer”). The Offer on the six (6) month modification requires a down payment of \$12,000.00, which is due by June 1, 2019. *See Exhibit “A” a copy of the Offer.* However, after speaking with Creditor’s Counsel, the Creditor has extended the deadline to July 1, 2019.

6. The Debtor has been making payments to the Trustee since May 2018. The Trustee is holding approximately \$13,469.58. *See Exhibit “B” a printout from National Data Center.*

7. In order for the Debtor would like to accept the Offer, however, she would need the Trustee to release the funds of \$12,000.00 to the Creditor. The Debtor will still be able to repay her other debts as well as her mortgage arrears on the first mortgage over the duration of the Chapter 13 Bankruptcy.

WHEREFORE, the Debtor respectfully requests that an Order be granted authorizing the Chapter 13 Trustee to release \$12,000.00 to the Creditor, Franklin Credit Mortgage Corporation, so that she may satisfy the down payment requirement of her trial modification and for any such other relief as to this Court that seems just, proper and equitable.

Dated: Woodbury, New York
May 23, 2019

/s/ Hanin R. Shadood
Hanin R. Shadood, Esq.
Aronow Law, PC
20 Crossways Park Drive N., Suite 210
Woodbury, NY 11797

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PROPOSED ORDER

Upon the motion of the debtor, Lisa Pickersgill, dated May 23, 2019 (the “Motion”) [dkt. no. 36], for an order authorizing the release of funds held by Marianne DeRosa, the chapter 13 trustee (the “Trustee”), for the purpose of satisfying the down payment requirement of the debtor’s trial modification with Franklin Credit Management Corporation (Franklin Credit Management”), the holder of the second mortgage on the debtor’s primary residence located at 14 Armon Street, Nesconset, New York 11767; and a hearing to consider the Motion having been held before the Court on June 11, 2019; and no opposition to the relief requested in the Motion having been filed; and after due deliberation and sufficient cause appearing; it is hereby

ORDERED, that the Motion is granted to the extend set forth herein;

ORDERED, that the Trustee is authorized is authorized to release funds in the amount of \$12,000.00 (the “Funds”) for the purpose of satisfying the down payment requirement in connection with a trial medication offered to the debtor by Franklin Credit Management; and it is further

ORDERED, that upon entry of this order the Trustee is authorized to disburse the Funds with respect to the account ending in 1010 to Franklin Credit Management Mortgage Corporation, 101 Hudson Street, 25th Floor, Jersey City, New Jersey 07302